

The claims of the present application refer only to SEQ ID NOs:1-4 and sequences of the Sequence Listing of record in the PTO IFW.

Further clarification is requested regarding the Examiner's reference to SEQ ID NOs: 5-29 in claims filed June 20, 2000 (see Examiner-initiated Interview Summary dated August 19, 2010), in the event the Examiner continues to believe that a further Sequence Listing is required.

Specifically, the present application was filed as a U.S. national phase of International Application No. PCT/GB99/00849 with a Transmittal dated and received in the U.S. Patent Office on September 20, 2000, as evidenced by the following copy of the Transmittal obtained from the PTO PAIR IFW:

532 Rec'd PCT/ATE 20 SEP 2000

FORM PCT/ISAO (REV 11-99)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 117-319
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/E/O/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NUMBER 097646568 To Be Assigned
INTERNATIONAL APPLICATION NO. PCT/GB99/00849	INTERNATIONAL FILING DATE 18 March 1999	PRIORITY DATE CLAIMED 20 March 1998
TITLE OF INVENTION DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL INFECTIONS OF ANIMALS AND HUMANS		
APPLICANT(S) FOR DO/E/O/US HERMON-TAYLOR et al		
Applicant herewith submits to the United States Designated/Elected Office (DO/E/O/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 36(1).</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>6. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input checked="" type="checkbox"/> has been transmitted by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>7. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>8. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made.</p> <p>10. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (U.S.C. 371(c)(3)).</p> <p>11. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>12. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11, To 16, Below concern document(s) or information included:		
<p>13. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>15. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>16. <input type="checkbox"/> A substitute specification.</p> <p>17. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>18. <input checked="" type="checkbox"/> Other items or information. PTO 1449 With International Search Report, Sequence Listing</p>		

The claims of International Application No. PCT/GB96/03221 refer to SEQ ID NOs: 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 29 and it is perhaps the claims of International Application No. PCT/GB96/03221 which the Patent Office has mistaken for claims of the present application.

The Sequence Listing contained in the PTO IFW, with SEQ ID NOs: 1-5, is submitted to be complete and to allow the Examiner to search the claims of the present application. Any "discrepancy" between the claims, CRF and paper copy of the Sequence Listing entered in the PTO IFW is an error or "discrepancy" created and correctable by the Patent Office, and further papers from the applicants should not be required. The Patent Office CRF contains 5 sequences. The PTO IFW contains a copy of the applicants Sequence Listing containing SEQ ID NOs:1-5. The pending claims refer to the sequences of the applicants Sequence Listing.

The specification was amended with the Amendment filed November 6, 2001 to include the Sequence Listing as evidenced by the following reproduction of the first page of the Amendment and the following reproduction of the PTO date stamped copy of the Sequence Listing containing 5 sequences. The Sequence Listing was entered by the Patent Office and entered in the PTO IFW, as confirmed by the following subsequent page from the PTO IFW. Nothing further of the applicants should be required.

HERMON-TAYLOR et al
Appl. No. 09/646,568
Attny. Ref.: 117-319
Response
September 15, 2010



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 08 2001

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In re Patent Application of

HERMON-TAYLOR et al

Atty. Ref.: 117-319

Serial No. 09/646,568

Group: 1645

Filed: November 9, 2000

Examiner:

For: **DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL
INFECTIONS OF ANIMALS AND HUMANS**

#8 11/6/02
Troy

November 6, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

AMENDMENT

Responsive to the Notification of Missing Requirements and Notice to Comply
dated September 6, 2001 (copies attached), entry and consideration of the following
amendments and remarks are requested.

IN THE SPECIFICATION

Amend the specification as follows.

Insert the attached Sequence Listing for the copy of the same filed with the
application on November 9, 2000.

REMARKS

Reconsideration is requested.

The Declaration was filed on November 9, 2000, in response to the Notification of
Missing Requirements mailed October 19, 2000. A copy of the Declaration is attached

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INFECTIONS OF ANIMALS AND HUMANS**
* * * * *

November 6, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

STATEMENT

The attached paper and computer-readable copies of the Sequence Listing are
the same. No new matter has been added.

Respectfully submitted,

NIXON & VANDERHVE P.C.

By: 

B. J. Sadoff
Reg. No. 36,663

BJS:eaw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

574256



SEQUENCE LISTING

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DEC 9 7 2001

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Page 1

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/646,568

DATE: 11/15/2001

TIME: 09:01:02

Input Set : A:\N743668 US DMS KJB HF SJB seq listing Sept 01.txt

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6 OF ANIMALS AND HUMANS
8 <130> FILE REFERENCE: N743668 DMC
10 <140> CURRENT APPLICATION NUMBER: US 09/646,568
C--> 11 <141> CURRENT FILING DATE: 2000-11-09
13 <150> PRIOR APPLICATION NUMBER: PCT/GB99/00849
14 <151> PRIOR FILING DATE: 1999-03-18
15 <152> PRIOR APPLICATION NUMBER: UK 9806093.2
17 <153> PRIOR FILING DATE: 1998-03-29
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An early and favorable Action on the merits is requested. The Examiner is again requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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